

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	Case No. 8:05CR84
)	
Plaintiff,)	
)	
v.)	ORDER
)	
WAYNE LEE PETERSON,)	
)	
Defendant.)	

This matter is before the court for hearing on defendant's competence to stand trial. By previous order, this court ordered a full psychiatric evaluation of the defendant. See Filing No. 32. The forensic report of the evaluation was offered and received into evidence as Exhibit 1.

Pursuant to 18 U.S.C. § 4247(d), defendant was present at the hearing and was represented by counsel. He was informed of his right to testify, to present evidence, to subpoena witnesses and to confront and cross-examine witnesses. Defense counsel took no position with respect to defendant's competence. Defendant stood mute on his own behalf.

The court has reviewed the evidence and finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. See 18 U.S.C. § 4241(d). Accordingly,

IT IS ORDERED, that

1. The defendant is committed to the custody of the Attorney General;
2. The Attorney General shall hospitalize the defendant for treatment in a suitable

facility, pursuant to 18 U.S.C. § 4241:

- a. for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the

foreseeable future he will attain the capacity to permit the trial to proceed;
and

- b. for an additional reasonable period of time until (A) his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the trial to proceed; or (B) the pending charges against him are disposed of according to law; whichever is earlier.

3. Defendant shall be remanded to the custody of the United States Marshal Service and held in custody until further order of this court.

4. The defendant shall be returned to the court for hearing on **July 14, 2006, at 2:00 p.m.**, in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

DATED this 16th day of March, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge